

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

BRUCE JACKIM, et al.	:	Case No. 1:05 cv 1678
	:	
Plaintiffs,	:	JUDGE KATHLEEN O'MALLEY
	:	
v.	:	
	:	
CITY OF BROOKLYN, et al.,	:	<u>JUDGMENT ENTRY</u>
	:	
Defendants.	:	

For the reasons set forth in the Court's Opinion and Order dated March 22, 2007, the *Partial Cross-Motion for Summary Judgment* filed by Sam's East, Inc. d/b/a Sam's Club (Doc. No. 63) and the *Motion for Summary Judgment* filed by Sam's East, Inc. d/b/a Sam's Club (Doc. No. 73) are hereby **GRANTED**.

All claims asserted by Plaintiff Nina Jackim and Plaintiff Bruce Jackim against Sam's East, Inc. d/b/a Sam's Club under 42 U.S.C. §1983 are **DISMISSED with prejudice** due to the absence of state action. Any and all pendant state law claims asserted by either Plaintiff against Sam's East, Inc. d/b/a Sam's Club are **DISMISSED without prejudice** for lack of an independent jurisdictional basis.

Pursuant to Fed. R. Civ. P. 54(b), and upon due consideration, the Court finds there is no just reason to delay entry of final judgment in favor of Sam's East, Inc. d/b/a Sam's Club

as to all claims asserted in the Amended Complaint against this defendant only.

This Order is entered *nunc pro tunc* to March 22, 2007.

IT IS SO ORDERED.

s/Kathleen M. O'Malley
KATHLEEN McDONALD O'MALLEY
UNITED STATES DISTRICT JUDGE

Dated: March 29, 2007